

Appl. No.: 10/088,061
Reply to Office Action of: 08/23/2007

Levy et al. claims priority on U.S. provisional application No. 60/134,782. This provision application does not mention "Bluetooth". The provisional application does mention a "short-range wireless broadcast" (see page 10, lines 5-8). However, Levy et al. (US 6,505,160 B1) does not have this disclosure (and does not incorporate the provisional patent application by reference). Thus, this disclosure of a "short-range wireless broadcast" in the provision patent application is not part of the disclosure of Levy et al. (US 6,505,160 B1).

Levy et al. (US 6,505,160 B1) also claims priority on other applications and incorporates other applications by reference. If the examiner is relying on disclosure from one of those other applications as the basis of his rejection, the examiner is requested to identify which priority application or application incorporated by reference he is relying upon. As far as applicant's attorney can tell, "Bluetooth" only appears to be first mentioned in the filing of May 2, 2000. This was after applicant's priority date of September 16, 1999. It is believed that the disclosure in Levy et al., which the examiner is attempting to rely upon for his rejection, does not have a reference date before the priority date of the present application. Therefore, it is believed that the examiner should withdraw his rejection based upon Levy et al.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain,

Appl. No.: 10/088,061
Reply to Office Action of: 08/23/2007

the examiner is invited to call applicant's attorney at the telephone number indicated below.

Respectfully submitted,

Mark F. Harrington
Mark F. Harrington (Reg. No. 31,686)

10/23/07
Date

Customer No.: 29683
Harrington & Smith, PC
4 Research Drive
Shelton, CT 06484-6212
203-925-9400

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

10/23/07
Date

Charles F. Main
Name of Person Making Deposit